

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA	)	
	)	
Petitioner,	)	3:98CR7-16-MU
	)	3:05CV502
v.	)	
	)	
JACK PHILIPS	)	ORDER AND JUDGMENT
	)	
Respondent.	)	
_____	)	

Pursuant to the memorandum opinion entered herein this  
date,

IT IS ORDERED:

1) Defendant's petition for a writ of mandamus  
(3:98CR7-16-MU, Filing No. 433) is denied;

2) Defendant's motion to vacate, set aside, or correct  
sentence under 28 U.S.C. § 2255 (3:05CV502, Filing No. 1) is  
denied; and

3) Plaintiff's motion to dismiss the defendant's § 2255  
petition (3:05CV502, Filing No. 4) is granted.

DATED this 10th day of February, 2006.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court